



*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 22, 2013

BY HAND AND ECF

The Honorable William H. Pauley III
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

**Re: United States v. Richard Ammar Chichakli,
S2 09 Cr. 1002 (WHP)**

Dear Judge Pauley:

Pursuant to the Court's request at the October 15, 2013 conference, the Government respectfully submits this letter to inform the Court about the status of the various discovery requests and other topics discussed at that conference.

In light of the discussions at the October 15, 2013 conference, the Government re-reviewed the FBI case files from the investigation in the Northern District of Texas for any additional discoverable material. The Government also reviewed the ICE and IRS case files from the same investigation, which we received on October 2, 2013 and October 15, 2013 respectively. Earlier today, the Government made an additional production of discovery to the defendant based on this review. A copy of the discovery letter is attached as Exhibit A.

As reflected in the discovery letter, the Government produced pen register applications and pen register data for several phone numbers associated with the defendant from February 2005 through April 2005. These numbers match those referenced in the search warrant affidavits for the Texas addresses. The pen register applications indicate that data was obtained only for this limited time period. The Government also spoke to the former FBI case agent in the Northern District of Texas, who confirmed that no Title III wiretaps were obtained during the course of that investigation.

In addition, as discussed at the October 15, 2013 conference, the Government produced a 2TB hard drive that contains another copy set of the electronic evidence recovered from the Bout Laptop, as well as the various electronic devices that were seized in Texas in 2005 and in Australia in 2013. The Government also spoke to the former FBI case agent in the Northern District of Texas, who re-confirmed that the FBI provided the Government with all of the electronic devices in its possession that were obtained in connection with the Texas searches.

The discovery letter also reflects that the Government produced documents from the ICE and IRS case files. The Government is still trying to determine whether the State Department has any relevant records concerning the defendant. If we become aware of any such documents in the future, we will promptly produce them.

With regard to the defendant's move from MDC to MCC, the Government has spoken to representatives from the MDC and MCC Legal Departments, and with the United States Marshals Service ("USMS"). All parties can accommodate the defendant's wishes to be moved from MDC to MCC the week before the trial. The USMS has indicated that the move will likely take place on Thursday, November 14, or Friday, November 15, before the trial begins on Monday, November 18. The USMS has also indicated that they will be able to transfer the defendant's laptop, hard drives, DVDs, and paper discovery from MDC to MCC so that he can have access to them for trial.

Finally, with regard to the Court's order to OFAC, OFAC issued a license on October 21, 2013, authorizing the defendant's stand-by counsel to receive \$500 of blocked funds in his escrow account to be used to purchase "courtroom clothing and other necessities" for the defendant. A copy of the license is attached as Exhibit B.

Respectfully Submitted,

PREET BHARARA
United States Attorney

By: _____/s/_____
Christian R. Everdell/Ian McGinley
Assistant United States Attorneys
(212) 637-2556/2257

cc: Richard Chichakli
Reg. No. 92036-054
MDC Brooklyn
Metropolitan Detention Center
P.O. Box 329002
Brooklyn, New York 11232
(by regular mail)

Marlon Kirton, Esq.
230 Park Avenue, Suite 1000
New York, NY 10169
(by e-mail and ECF)